

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHNNY JAMES COLLIER,

Plaintiff,

v.

BENJAMIN C. AGUSTIN, et al.,

Defendants.

DECISION & ORDER

04-CV-6514CJS

On January 5, 2007, plaintiff in the above-captioned matter filed with this Court a motion for discovery requesting that defendants “produce the documentation named in this motion per discovery request.” (Docket # 42). Specifically, plaintiff sought: (1) copies of grievances filed by him relating to his medical care, (2) recordings of disciplinary hearings, (3) copies of all grievances filed at the Orleans Correctional Facility between March 2006 and September 11, 2006, as well as copies of physical therapy sessions, and (4) copies of “consultant documentation” relating to plaintiff’s injuries occurring at Gowanda Correctional Facility. (Docket # 42).

It is unclear to the Court whether plaintiff requested the above-referenced materials from defendants prior to his filing of this motion. Nevertheless, on February 9, 2007, defendants submitted a response to plaintiff’s discovery requests, providing much of the

material requested. Accordingly, plaintiff's motion to compel (**Docket # 42**) is **DENIED as moot**. If plaintiff believes he is entitled to any additional materials, he may file a new motion to compel specifically describing the particular documents sought.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
July 9, 2007